

Sec. 70. [342.83] FEDERAL WAIVER FOR MEDICAL CANNABIS.

Subdivision 1. Definitions. (a) The following terms have the meanings given.

(b) "Research subjects" has the meaning given in [United States Code, title 21, section 802\(10\)](#).

(c) "Ultimate users" has the meaning given in [United States Code, title 21, section 802\(27\)](#).

Subd. 2. Duty. The office of cannabis management must attempt to obtain a waiver from the regular federal controlled substance registration for Minnesota medical cannabis businesses that cultivate, distribute or dispense "Marihuana", "Tetrahydrocannabinols" and "Marihuana Extract", all of which are all classified as controlled substances under federal law. In attempting to obtain this waiver, the office must pursue all of the requirements outlined in this section in an effort to secure at least one of the waivers or a combination of them.

Subd. 3. Waiver request. (a) The office must apply for a waiver under [Code of Federal Regulations, title 21, section 1307.03](#) and [United States Code, title 21, section 822\(d\)](#) to exempt the regular registration of Minnesota state-licensed businesses engaging in the Minnesota state-authorized cultivation, distribution, and dispensing of medical cannabis.

(b) The application must state that:

(1) state-authorized cultivation, distribution, and dispensing of medical cannabis by Minnesota state-licensed businesses to patients and caregivers in Minnesota's registry program is consistent with public health and safety;

(2) the office is applying for the waiver to allow for intrastate commerce within the state of Minnesota and not interstate commerce or interstate marketing;

(3) in order to facilitate the granting of this waiver in a timely manner, Minnesota requests that the waiver be granted via the [issuance of a guidance document](#) whether or not codification of the waiver in the code of federal regulations is also pursued;

(4) a waiver from any and all federal registration requirements is preferred but if this request is not granted, alternatives to the regular federal registration requirements such as those provided to the manufactures and distributors referenced in [Code of Federal Regulations, title 21, section 1307.31](#) are still requested.

(5) the office expects a response within 120 days of receipt of the waiver request.

Subd. 4. Review of denial or failure to respond. (a) If the waiver request is denied or a response is not received by the office within 120 days of filing the waiver application, the office and the attorney general must determine whether a lawsuit is appropriate to compel a final decision or whether to file an appeal of the denial.

(b) When determining whether to appeal the denial or file a lawsuit to compel a final decision, the office and the attorney general must review:

(1) relevant examples of [judicially crafted exemptions](#) provided to entities which import, receive, manufacture, distribute, transport, possess, or use federal controlled substances; and

(2) the [2025 Minnesota Psychedelic Medicine Task Force Report, appendix G](#).

(c) If the office decides to not pursue litigation or an appeal, the office must explain their reasoning in their annual report required under [section 342.04, paragraph \(g\)](#).

Subd. 5. Rule-change petition. (a) The office must submit two petitions in the form and manner outlined in [Code of Federal Regulations, title 21, section 1308.43\(b\)](#) to initiate proceedings for the issuance of a rule or regulation to waive the regular registration process for Minnesota state-licensed businesses engaging in the Minnesota state-authorized cultivation, distribution and dispensing of medical cannabis;

(b) The first petition must propose a rule which waives any and all federal registration requirements;

(c) The second petition must propose a rule which provides alternatives to the regular federal registration requirements such as those provided to the manufacturers and distributors referenced in Code of Federal Regulations, title 21, section 1307.31.

(d) The petitions must state that:

(1) state-authorized cultivation, distribution, and dispensing of medical cannabis by Minnesota state-licensed businesses to patients and caregivers in Minnesota's registry program is consistent with public health and safety;

(2) the office is applying for the waiver to allow for intrastate commerce within the state of Minnesota and not interstate commerce or interstate marketing.

Subd. 6. Research waiver request. (a) The office must send a letter to the United States Attorney General requesting that, pursuant to [United States Code, title 21, section 872\(e\)](#), she authorize under federal law the possession, distribution, and dispensing of medical cannabis to Minnesota state-licensed businesses and patients and caregivers in Minnesota's registry program. If she responds in a way which requires the office to collect more data than it currently does on medical cannabis patients, the office must also request that patients, caregivers, and any identifying information thereof not be disclosed.

Subd. 7. The office must send a letter to the secretary of health and human services requesting the secretary submit a formal request pursuant to [United States Code, title 21, section 872\(e\)](#) to the United States Attorney General requesting that she authorize under federal law the possession, distribution, and dispensing of medical cannabis to Minnesota state-licensed businesses and patients and caregivers in Minnesota's registry program.

Subd. 8. Presumptions. In seeking the waiver request or the rule-change petition, the office will be guided by the following presumptions:

(a) upon the approval of a waiver request, rule-change petition or judicially crafted exemption, all persons in the cannabis registry program as defined by [section 342.01, subdivision 65](#), will become ultimate users who will not be in violation of federal law when possessing or using medical cannabis that has been dispensed by a Minnesota state-licensed medical cannabis business.

(b) upon the issuance of an authorization of an exemption from federal prosecution by the United States Attorney General, all persons in the cannabis registry program as defined by [section 342.01, subdivision 65](#), will become research subjects who will not be in violation of

federal law when possessing or using medical cannabis that has been dispensed by a Minnesota state-licensed medical cannabis business.

(c) when a state applies to the federal government for a waiver, the federal government will follow the requirements in [Presidential Executive Order 13132](#).

Subd. 9. Conforming to the federal waiver. (a) If the federal government:

(1) provides an alternative federal registration process that the office determines Minnesota cannabis businesses can not comply with unless a change occurs in Minnesota statutes or rules; or

(2) requires the office to collect more data than they currently can lawfully collect on patients as part of the conditions of a research waiver

(b) then the office must include in their annual report required under [section 342.04, paragraph \(g\)](#), any changes to statute or agency funding levels that are required to comply with the federal waiver.

Subd. 10. Disclosure requirement. The office must make all official correspondence and filings with the relevant federal agencies required under this section publicly available on the office's website.